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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,818	12/18/2000	Takuya Homme	046124-5055	2027

9629 7590 02/18/2003

MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

EXAMINER

MORAN, TIMOTHY J

ART UNIT PAPER NUMBER

2878

DATE MAILED: 02/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/737,818

Applicant(s)

HOMME ET AL. *ne*

Examiner

Timothy J. Moran

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12, 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statements (IDS) submitted on November 21, 2002 and December 20, 2002 were filed after the mailing date of the Notice of Allowability on September 24, 2002. The submissions are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements have been considered by the examiner.

### ***Withdrawal of Allowability***

Applicant is advised that the Notice of Allowance mailed September 24, 2002 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

Prosecution on the merits of this application is reopened on claims 1-4 are considered unpatentable for the reasons indicated below:

The indicated allowability of claims 1-4 is withdrawn in view of the newly discovered reference(s) to Tsuchino, U. S. Patent No. 4,825,086, Aiba, JP Patent Application S61-124574, and Homme, WO 00/63722. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchino, Japanese Publication No. 63-216000 in view of Aiba, Japanese Application S61-124574. Regarding claims 1-2, Tsuchino describes an organic film CVD deposition method comprising depositing an organic film (page 5, upper right section and lower left section) on all surfaces of a substrate (H3) provided with a scintillator (2, claim 1). Tsuchino does not describe details of the substrate positioning during the deposition process. However, Aiba describes a vapor deposition method comprising the step of supporting a substrate on at least three protrusions of a target-support element. Therefore it would have been obvious to one of ordinary skill in the art to utilize the

substrate support method of Aiba in the deposition method of Tsuchino for the advantage of depositing a uniform film over all surfaces of the object.

Regarding claim 3, Aiba teaches the use of a strand member in a target support element (fig. 1, page 2, line 26-page 3, line 5). Therefore it would have been obvious to one of ordinary skill in the art to utilize a strand member in the method of Tsuchino for advantage of depositing a uniform film over all surfaces of the object.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchino and Aiba as applied to claim 1 above, and further in view of Laugier, U. S. Patent No. 6,429,437. Tsuchino does not teach the use of polyparaxylylene as an organic film deposited onto a scintillator structure. However, Laugier teaches that polyparaxylylene is useful as a protecting material when deposited onto a scintillator structure using CVD (abstract and col. 5, lines 43-59). Therefore it would have been obvious to one of ordinary skill in the art to utilize polyparaxylylene in the method of Tsuchino for the advantage of providing a protecting layer.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Homme, WO Publication No. 00/63722 in view of Aiba, Japanese Application S61-124574. Regarding claims 1-2, Homme describes an organic film CVD deposition method (page 5, lines 18-26) comprising depositing an organic film (fig. 1, film 18) on all surfaces of a substrate (10) provided with a scintillator (16). Homme does not describe details of the substrate positioning during the deposition process. However, Aiba describes a vapor deposition method comprising the step of supporting a substrate on at least three protrusions of a target-support element. Therefore it would have been

obvious to one of ordinary skill in the art to utilize the substrate support method of Aiba in the deposition method of Homme for the advantage of depositing a uniform film over all surfaces of the object.

Regarding claim 3, Aiba teaches the use of a strand member in a target support element (fig. 1, page 2, line 26-page 3, line 5). Therefore it would have been obvious to one of ordinary skill in the art to utilize a strand member in the method of Homme for advantage of depositing a uniform film over all surfaces of the object.

Regarding claim 4, Homme teaches the use of polyparaxylylene in the film (page 5, lines 18-26).

### ***Response to Arguments***

Applicant's arguments filed November 21, 2002 have been fully considered but they are not persuasive.

In response to applicant's argument (page 2, paragraph starting with "Applicants submit...") that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., radiation detector layer, columnar type material, deliquesces) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In addition, it is noted that the term "deliquesces" is not described in the specification filed December 18, 2000.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Homme, US Patent Application Publication 2002/0017613 A1, describes a scintillator panel covered on all sides with a polyparaxylene film (18).

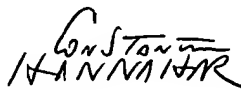
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Moran whose telephone number is 703-305-0849. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on 703-308-4852. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7724 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

T.M.

TM  
January 29, 2003

  
CONSTANTINE HANNAHER  
PRIMARY EXAMINER  
GROUP ART UNIT 2878